

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON

7 CLARENCE JOHNSON,

8 Petitioner,

9 vs.

10 STEVE SINCLAIR,

11 Respondent.  
12

NO. CV-08-325-CI

REPORT AND RECOMMENDATION TO  
TRANSFER PETITION TO WESTERN  
DISTRICT OF WASHINGTON

13  
14 Petitioner, a prisoner at the Washington State Penitentiary,  
15 brings this *pro se* Petition for Writ of Habeas Corpus by a Person in  
16 State Custody pursuant to 28 U.S.C. § 2254. He has paid the \$5.00  
17 filing fee.

18 Under the policy established by the United States District Courts  
19 for the Eastern and Western Districts of Washington, and pursuant to  
20 28 U.S.C. § 2241(d), a petition for federal habeas relief must be  
21 brought in the district in which the conviction arose. In this  
22 action, Petitioner challenges his term of confinement arising from a  
23 conviction in King County in the Western District of Washington.  
24 Accordingly, **IT IS RECOMMENDED** this action be **TRANSFERRED** to the  
25 United States District Court for the Western District of Washington.

26 **OBJECTIONS**

27 Any party may object to a magistrate judge's proposed findings,

1 recommendations or report within ten (10) days following service with  
2 a copy thereof. Such party shall file written objections with the  
3 Clerk of the Court and serve objections on all parties, specifically  
4 identifying the portions to which objection is being made, and the  
5 basis therefor. Any response to the objection shall be filed within  
6 ten (10) days after receipt of the objection. Attention is directed  
7 to FED. R. CIV. P. 6(d), which adds additional time after certain kinds  
8 of service.

9 A district judge will make a de novo determination of those  
10 portions to which objection is made and may accept, reject, or modify  
11 the magistrate judge's determination. The judge need not conduct a  
12 new hearing or hear arguments and may consider the magistrate judge's  
13 record and make an independent determination thereon. The judge may,  
14 but is not required to, accept or consider additional evidence, or may  
15 recommit the matter to the magistrate judge with instructions. *United*  
16 *States v. Howell*, 231 F.3d 615, 621 (9th Cir. 2000); 28 U.S.C.  
17 § 636(b)(1)(B) and (C), FED. R. CIV. P. 72; LMR 4, Local Rules for the  
18 Eastern District of Washington. A magistrate judge's recommendation  
19 cannot be appealed to a court of appeals; only the district judge's  
20 order or judgment can be appealed.

21 The District Court Executive is directed to enter this Report and  
22 Recommendation and forward a copy to Petitioner.

23 DATED November 14, 2008.

24  
25 S/ CYNTHIA IMBROGNO  
26 UNITED STATES MAGISTRATE JUDGE  
27